

Falls Church, Virginia 20530

File: D2014-357

Date: FEB 20 2015

In re: MAGDALENA EWA CUPRYS, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Jennifer J. Barnes, Disciplinary Counsel

ON BEHALF OF DHS: Megan B. Herndon
Section Chief, Immigration Court Practice Section – West
Immigration Law and Practice Division
U.S. Immigration and Customs Enforcement

Jeannette V. Dever, Legal Fellow
Immigration Law and Practice Division
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement

ON BEHALF OF RESPONDENT: Pro se

The respondent will be suspended from practice before the Board, Immigration Courts, and the Department of Homeland Security (the "DHS") for 45 days, nunc pro tunc to December 20, 2014, and then will be immediately reinstated to the practice of law before these bodies.

On November 20, 2014, the respondent was suspended from the practice of law in Florida, by the Supreme Court of Florida, for 45 days. On December 4, 2014, the Supreme Court of Florida ordered that the suspension would be effective on November 25, 2014. Consequently, on December 17, 2014, the Disciplinary Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. The DHS has asked that the respondent be similarly suspended from practice before that agency. We granted the immediate suspension order on January 12, 2015.

The respondent filed an answer to the allegations contained in the Notice of Intent to Discipline, which will be deemed timely filed. 8 C.F.R. § 1003.105(c)(1). The respondent acknowledges that she is subject to discipline by the Board. She argues only that the Board's suspension should run concurrently with either the suspension imposed in Florida, or the Board's suspension should be deemed to have commenced on December 20, 2014. That is, on December 19, 2014, the respondent filed a motion to reopen with the Immigration Court in Lumpkin, Georgia. The EOIR Disciplinary Counsel thereafter filed a "Motion For Summary Adjudication", on January 30, 2015.

There are no material issues of fact in dispute, and the EOIR Disciplinary Counsel's proposed sanction of 45 days is appropriate, in light of the respondent's suspension in Florida. The Board therefore will honor that proposal. Further, after consideration of the respondent's answer, as well as the EOIR Disciplinary Counsel's filing, we will deem the suspension to be imposed nunc pro tunc to December 20, 2014, as the respondent contends that she did not practice immigration law since December 20, 2014. That is, the respondent informed the EOIR Disciplinary Counsel on December 9, 2014, of her suspension in Florida, as required by 8 C.F.R. § 1003.103(c). However, as noted, the respondent admitted that on December 19, 2014, she filed a motion to reopen with the Immigration Court in Lumpkin, Georgia. Although the respondent claimed that she was still licensed to practice law in California on December 19, 2014, she was not then eligible to practice law before the Immigration Court, as a result of the Florida suspension. 8 C.F.R. § 1001.1(f).

Additionally, as proposed by the EOIR Disciplinary Counsel, the respondent will be immediately reinstated to the practice of law before the Board, the Immigration Courts, and the DHS, since the respondent was eligible to be reinstated as of February 3, 2015, and provides evidence that she now is a member in good standing of the Florida Bar.

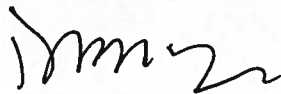
ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for 45 days, nunc pro tunc to December 20, 2014.

FURTHER ORDER: The respondent is instructed to notify the Board of any further disciplinary action against her.

FURTHER ORDER: The respondent is reinstated to practice before the Board, the Immigration Courts, and the DHS as of the date of this order.

FURTHER ORDER: Because the respondent has been reinstated, public notices regarding the respondent's suspension should reflect this reinstatement.

FURTHER ORDER: If the respondent wishes to represent a party before the DHS or the Board, she must file a Notice of Appearance (Form G-28 or Form EOIR-27), including any case in which she was formerly counsel prior to her immediate suspension.



FOR THE BOARD